

EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

v.

MARTREL REEVES,

Defendant.

*

*

*

*

*

*

*

*

CRIMINAL NO. PX-19-236

DECLARATION OF GREGORY STIMMEL

I, Gregory Stimmel, hereby declare and affirm as follows:

1. I am the Chief of the Criminal Branch at the Firearms and Ammunition Technology Division (“FATD”) of the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”). I have knowledge of the facts set forth herein and could and would testify to those facts fully and truthfully if called and sworn as a witness.

2. I have been employed by the ATF for twelve years. I have served as Chief of the Criminal Branch at the FATD since November 2019. My duties as the FATD Chief include managing the workflow that comes into the criminal branch, assigning regulatory and criminal cases to FATD personnel, reviewing classification reports and approving their conclusions. Prior to that, I was a Firearms Enforcement Officer in the FATD beginning in November 2015. My duties as a Firearms Enforcement Officer included receiving, evaluating, and classifying firearms based on the applicable statutes—the Gun Control Act, the National Firearms Act, and the Arms Export Control Act. Once I determined that the item provided for my evaluation is a firearm under the relevant statute, I further classified it according to its features, functionality, and design. Such classification includes an analysis of the critical features of the firearm, including whether it

accepts conventional ammunition. I test fired firearms as part of this process. I also served as an Industry Operations Investigator (IOI) for three years. My duties as an IOI included regulating the firearms industry, as part of which I inspected federal firearms licensees and explained the regulations and laws to them in order to maintain compliance with the Gun Control Act and the National Firearms Act.

3. On April 15, 2019, ATF Special Agent Matthew Leonard requested a technical examination of evidence seized in this case. Exhibit A. I prepared a report based on my examination that was produced as Exhibit 1 to the Defendant's Motion to Dismiss, or Alternatively, Motion in Limine Re Interstate Nexus. ECF No. 27-1; Exhibit B.

4. I examined the item depicted in Exhibit A, which "will or is designed to . . . expel a projectile by the action of an explosive" and is thus a "firearm" as defined in 18 U.S.C. § 921(a)(3)(A). On April 20, 2019, I test fired the firearm at the ATF test range in Martinsburg, West Virginia, using commercially available, S&B brand, .40 S&W caliber ammunition. I inserted one round of ammunition into the magazine, inserted the magazine into the firearm, retracted and released the slide to chamber the round, and squeezed the trigger. The firearm successfully expelled a single projectile by the action of an explosive. Since Exhibit A is a weapon which will expel a projectile by the action of an explosive, the item is therefore a "firearm" as defined in 18 U.S.C. § 921(a)(3)(A).

5. I determined that the firearm is a .40 S&W caliber, Glock-type pistol manufactured with a frame of unknown origin and original Glock 23 components. The lower assembly, which includes the polymer grip housing, was manufactured from a Polymer80, Inc. brand, PF940C pistol frame kit, which is marketed as an unfinished firearm having no serial number. Polymer80, Inc., distributes these kits from their business premises of record in Dayton, Nevada.

6. A firearm made from a parts kit is sometimes referred to as a “ghost gun”—an industry term—or a “privately made firearm”—a term the ATF now employs. A “ghost gun” refers to a firearm—a pistol or a rifle—with no serial number engraved on the frame or receiver. Firearm parts are sold as parts kits, which can be used to assemble ghost guns. These ghost gun parts kits can be purchased from various kit manufacturers or secondary retailers, including Internet websites. Purchasers can assemble the ghost gun parts kits at home in order to build a firearm as defined in 18 U.S.C. § 921(a)(3)(A). One parts kit is designed to make one firearm. Assembling a parts kit into a functional firearm can take as little as one hour with minimal effort, expertise, and equipment. A ghost gun assembled from a parts kit accepts the same type of ammunition as a conventional firearm—a firearm manufactured or imported by a federal firearms licensee. In form and function, a conventional firearm and ghost gun are identical, except that ghost guns typically lack serial numbers and identifying markings that are required by federal law.

7. Ghost gun parts kits can be packaged with either some or all of the necessary components to construct a firearm. The firearm I examined was assembled from a PF940C pistol frame kit. The standard PF940C pistol frame kit is packaged with an incomplete pistol grip housing, front and rear rail assemblies, two drill bits, one end-mill bit, and two metal pins. Polymer80, Inc. markets these kits as being 80% complete, which is an industry term for an item that has not been made into a completed firearm. Polymer80, Inc. also sells other variations of the PF940C pistol frame kit, including a Buy Build Shoot kit that comes with all of the components necessary to assemble an operational firearm. These kits are sold with tools and instructions on how to assemble the parts into a firearm. In order to assemble a standard PF940C pistol frame kit into a firearm as defined in 18 U.S.C. § 921(a)(3)(A), a slide assembly and trigger assembly are required. Ghost gun parts kits like the PF940C pistol frame kit typically accept parts from

conventional firearms, and the PF940C pistol frame kit is intended to use parts interchangeable with a conventional Glock firearm. The firearm I examined was comprised of the PF940C pistol frame kit, a Glock slide assembly, a Glock trigger assembly, and a Glock mounting pin—each a principal component/part of the firearm. The Glock slide assembly is manufactured in Austria and subsequently imported to Smyrna, Georgia. The Glock trigger assembly and mounting pin are shipped from Smyrna, Georgia. The PF940C grip housing had Dayton, Nevada, marked on the right side. Exhibit A accepts .40 caliber ammunition used in a conventional firearm and included a Glock magazine.

8. Because ghost gun parts kits typically exclude certain components and require additional work to assemble an operational firearm (what were referred to above as being 80% complete), they do not qualify as firearms under the Gun Control Act prior to their assembly, and the parts kits are manufactured and sold by persons or entities without a federal firearms license. Federal law requires that persons who are engaged in the business of manufacturing or dealing in conventional firearms be licensed by the ATF. Such persons must apply for a federal firearms license by submitting and providing a photograph, fingerprints, and a license application fee. Licensees are subject to certain requirements under federal law, including running background checks prior to transferring a firearm and maintaining acquisition and disposition books and firearm transaction records so that guns used in crimes can be traced to their first retail purchaser. Licensees are also prohibited by law from knowingly transferring handguns to underage persons and certain categories of prohibited persons, including felons. Since they are not federal firearms licensees, manufacturers and retailers of ghost gun parts kits are not required to abide by these federal law requirements, including selling ghost gun parts kits without conducting a background check in order to determine if a purchaser is prohibited from possessing firearms.

9. As federal firearms licensees, manufacturers must identify each conventional firearm manufactured with a unique serial number, as well as the licensee name, address, city, state, firearm model (if such designation has been made), and the caliber or gauge of the firearm. These required markings, along with the licensee's required records, assist law enforcement in determining where the firearm was manufactured and to whom, where, and when it was sold, shipped, or transferred. The required markings also allow law enforcement to trace whether a firearm has been used in successive crimes or if the firearm was used in a crime shortly after being purchased—what is known as “Time to Crime.” Law enforcement agencies can contact ATF's Tracing Center to determine where the firearm was sold and transferred, including when transferred from manufacturer to dealer and then sold to the first retail purchaser. Federal firearms licensees are required to respond to requests for firearm tracing information within 24 hours. Federal agents routinely conduct interstate nexus analyses on conventional firearms because they can determine where those firearms were manufactured and transferred, thus establishing whether the location of the conventional firearm's manufacture or purchase are different from where it was recovered in a crime. In contrast, because most ghost gun parts kits—as described above in paragraph eight and prior to assembly—do not qualify as firearms under federal law when they are manufactured or sold, they do not contain a serial number or identifying markings when they are sold and continue to have no such serial number or identifying markings once they are assembled into a firearm. In addition, ghost gun parts kits manufacturers and retailers are not subject to the same recordkeeping requirements for those kits as federal firearms licensees. There is thus no way to determine where the ghost gun came from or where it went or to whom it was transferred. The result is that an individual can assemble a firearm—a ghost gun—that law enforcement cannot track and trace.

10. I have seen ghost gun parts kits—like the one at issue in this case—used to make handguns and rifles. The term “rifle” is defined in the Gun Control Act as “a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder . . .” 18 U.S.C. § 921(a)(7). Ghost gun parts kits manufacturers and retailers market and sell parts kits designed and intended to primarily create either a pistol or rifle. However, parts kits sold as pistols—such as the ghost gun parts kit used to make the firearm I was asked to examine—can be converted to rifles when combined with certain rifle-specific firearm accessories. A conventional pistol can also be converted to a rifle in the same manner. The pistol may be redesigned to be fired from the shoulder by adding accessories such as a shoulder stock to effectively fire the firearm from the shoulder. There are also accessories on the market which enclose the firearm and incorporate the necessary features to redesign the firearm to be fired from the shoulder. Once the necessary accessories are attached, the weapon becomes a weapon designed and intended to be fired from the shoulder, or a rifle as defined in 18 U.S.C. § 921(a)(7).

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on:

7/21/2020
Date

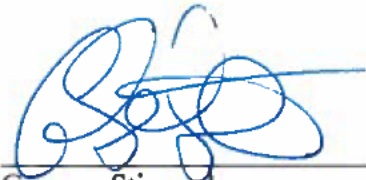

Gregory Stimmel

EXHIBIT A





EXHIBIT B

**Firearms Technology Criminal Branch
Report of Technical Examination**



To:

Special Agent Matthew Leonard
Bureau of Alcohol, Tobacco, Firearms and Explosives
[REDACTED]

Date:

APR 22 2019
[REDACTED]

RE: Reeves aka Fat Trel
(Exile)
[REDACTED]

Date Exhibit Received: 4/15/2019

Type of Examination Requested:

Delivered By: Hand Carried

Test, Examination, Classification

Exhibit:

1. Glock-type pistol, unknown manufacturer, .40 S&W caliber, bearing no serial number; and one magazine.

Pertinent Authority:

Title 28 of the United States Code (U.S.C.) provides the Bureau of Alcohol, Tobacco Firearms and Explosives (ATF) the authority to investigate criminal and regulatory violations of Federal firearms law at the direction of the Attorney General. Under the corresponding Federal regulation at 28 C.F.R. 0.130 the Attorney General provides ATF with the authority to investigate, administer, and enforce the laws related to firearms, in relevant part, under 18 U.S.C. Chapter 44 (Gun Control Act) and 26 U.S.C. Chapter 53 (National Firearms Act). Pursuant to the aforementioned statutory and regulatory authority, the ATF Firearms Ammunition and Technology Division (FATD) provides expert technical support on firearms and ammunition to federal, state and local law enforcement agencies regarding the Gun Control Act and the National Firearms Act.

The amended Gun Control Act of 1968 (GCA), 18 U.S.C. § 921(a)(3), defines "firearm" to include the following:

"...any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive... [and] ...the frame or receiver of any such weapon...."

Additionally, 27 CFR § 478.11, a regulation implementing the GCA, defines "pistol" as:

"...a weapon originally designed, made, and intended to fire a projectile (bullet) from one or more barrels when held in one hand, and having (a) a chamber(s) as an integral part(s) of, or permanently aligned with, the bore(s); and (b) a short stock designed to be gripped by one hand and at an angle to and extending below the line of the bore(s)...."

MRR_000049

Special Agent Mathew Leonard

Page 2

Findings:

Exhibit 1 is a .40 S&W caliber, Glock-type pistol manufactured with a frame of unknown origin and original Glock 23 components. The Exhibit includes a Glock magazine.

Exhibit 1 bears no manufacturer's marks of identification or serial number; however, during my examination, I observed the following external markings on Exhibit 1:


On the right side of the grip housing

- **PF940C**
- **MADE IN USA**
- **POLYMER80, INC.**
- **DAYTON, NV**
- **P80**

On the left side of the grip housing

- **P80**

On the left side of the slide

- 
- **23**
- **AUSTRIA**
- **.40**

On the right side of the slide

- 
- **EVG601**

On the right side of the barrel

- **EVG601**  

On the top of the barrel

- **.40**

The frame has been manufactured from a Polymer80 brand, PF940C pistol frame kit, which is marketed as an unfinished firearm having no serial number. The PF940C pistol frame kit typically includes the grip housing, milling fixture, drill bits, end-mill, locking-block rail system (LBRS), rear rail module (RRM), and the mounting pins for the LBRS and RRM.

Special Agent Mathew Leonard

Page 3

Findings (cont.):

The slide assembly is an original component of a Glock 23, .40 S&W caliber, pistol which was manufactured by Glock, GmbH, in Austria and subsequently imported by Glock, Inc., Smyrna, Georgia. The slide assembly appears to contain all original Glock parts and does not appear to have been modified from the original manufactured configuration. Also, the trigger assembly and mounting pin appear to be original Glock 23 components.

As received, the fit between the slide assembly and the frame is sloppy, and the trigger of Exhibit 1 does not consistently reset when the slide is manually cycled during a function test. This is not uncommon and proper functionality has no bearing on the Exhibit's classification as a *firearm*.

I test fired Exhibit 1 on April 20, 2019, at the ATF test range, Martinsburg, West Virginia, using commercially available, S&B brand, .40 S&W caliber ammunition. I inserted one round of ammunition into the Exhibit's magazine, inserted the magazine into the Exhibit, retracted and released the slide to chamber the round, and squeezed the trigger. Exhibit 1 successfully expelled a single projectile by the action of an explosive.

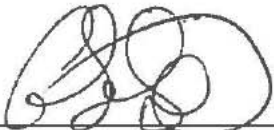
Exhibit 1 is a weapon originally designed to fire a projectile (bullet) from a rifled barrel when held in one hand; has a chamber as an integral part of its bore; and has a short stock designed to be gripped by one hand and at an angle to and extending below the line of its bore. Therefore, Exhibit 1 is a *pistol* as defined.

Conclusions:

Exhibit 1 is a weapon which will expel a projectile by the action of an explosive and incorporates the frame of a firearm; therefore, Exhibit 1 is a "**firearm**" as defined in 18 U.S.C. § 921(a)(3)(A) and (B).

Exhibit 1, being a weapon originally designed to fire a projectile (bullet) from its barrel when held in one hand; having a chamber as an integral part of its bore; and having a short stock designed to be gripped by one hand and at an angle to and extending below the line of its bore, is a "**pistol**" as defined in 27 CFR § 478.11.

Examined By:




Gregory S. Stimmel
Firearms Enforcement Officer

Special Agent Mathew Leonard

Page 4

Approved By:

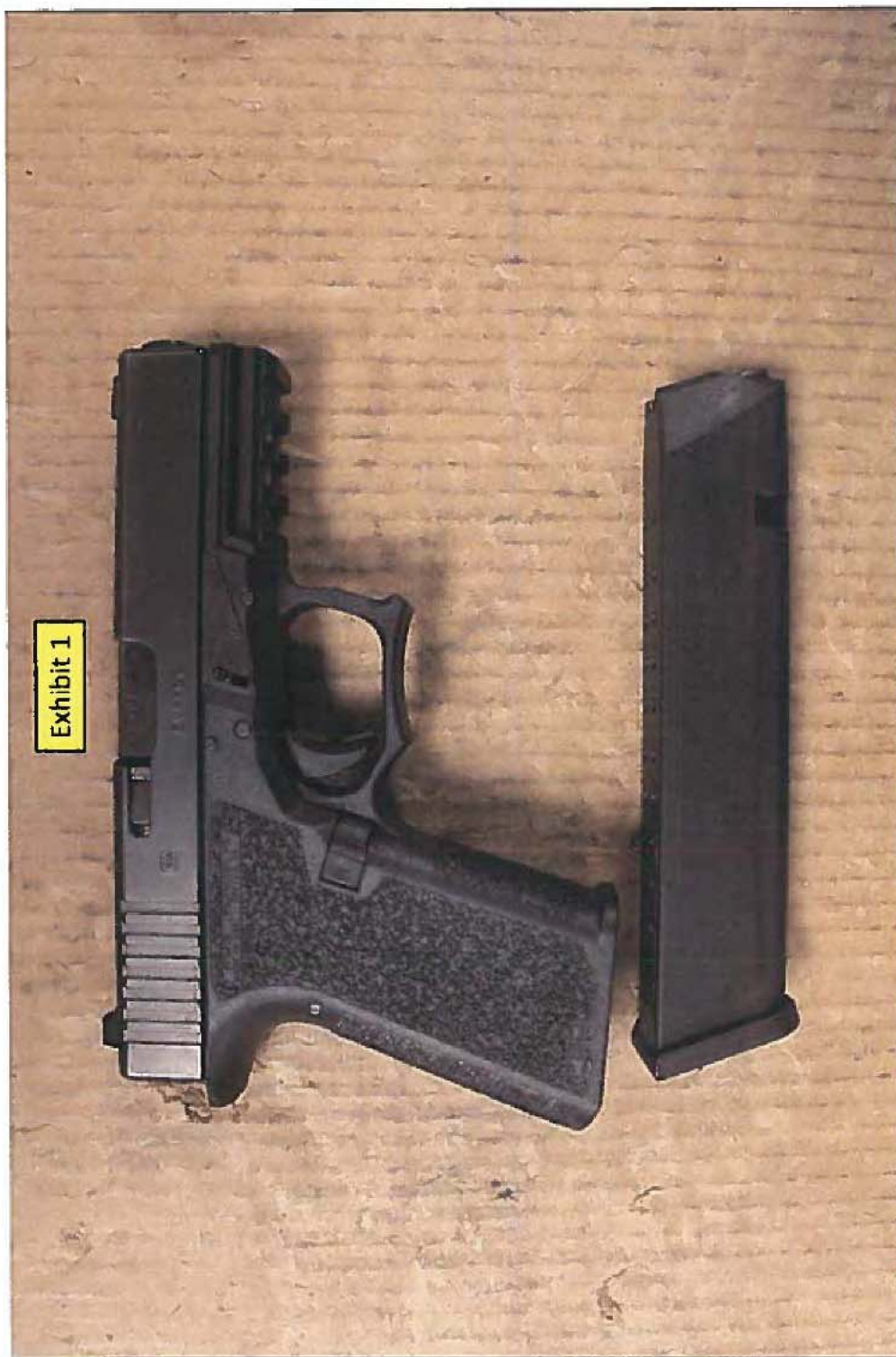


Max M. Kingery
Chief - Firearms Technology Criminal Branch

Attachment: Four pages bearing a total of five photos.

This Firearms Technology Criminal Branch report is provided in response to your request for assistance. Please be aware that these documents may constitute "taxpayer return information" that is subject to the strict disclosure limitations provided in 26 U.S.C. § 6103. Exceptions to the non-disclosure provisions that permit the disclosure internally within ATF are set forth in 26 U.S.C. § 6103(h)(2)(C) and (o)(1). Any further disclosure of these reports is strictly limited and must be reviewed and approved by the Office of Chief Counsel prior to any information dissemination. Failure to adhere to the disclosure limitations provided in 26 U.S.C. 6103 could result in civil and/or criminal liability.

1 of 4



MRR_000053

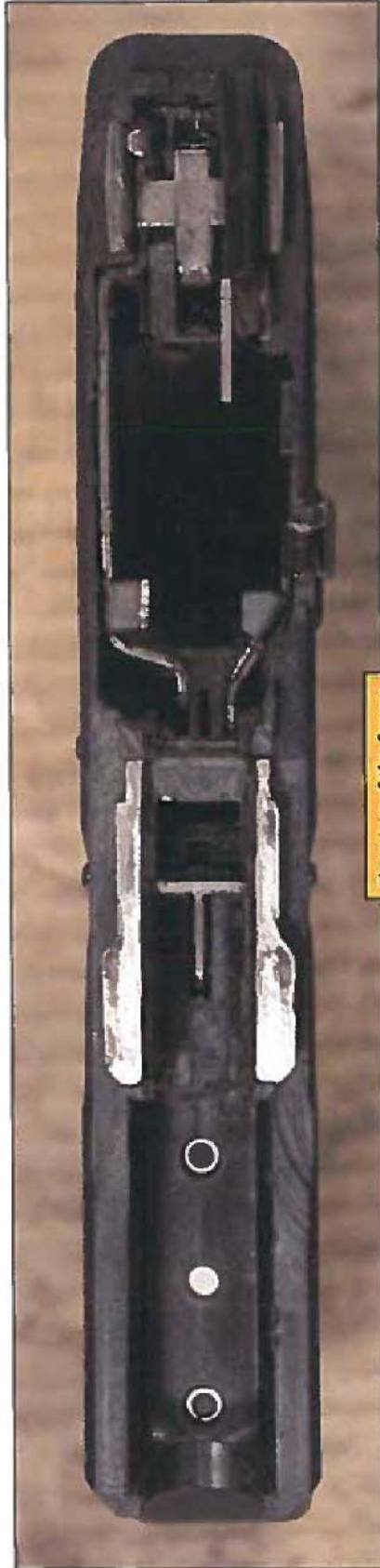
2 of 4



MRR_000054

3 of 4

Exhibit 1 with slide removed from the frame



Top view of the frame

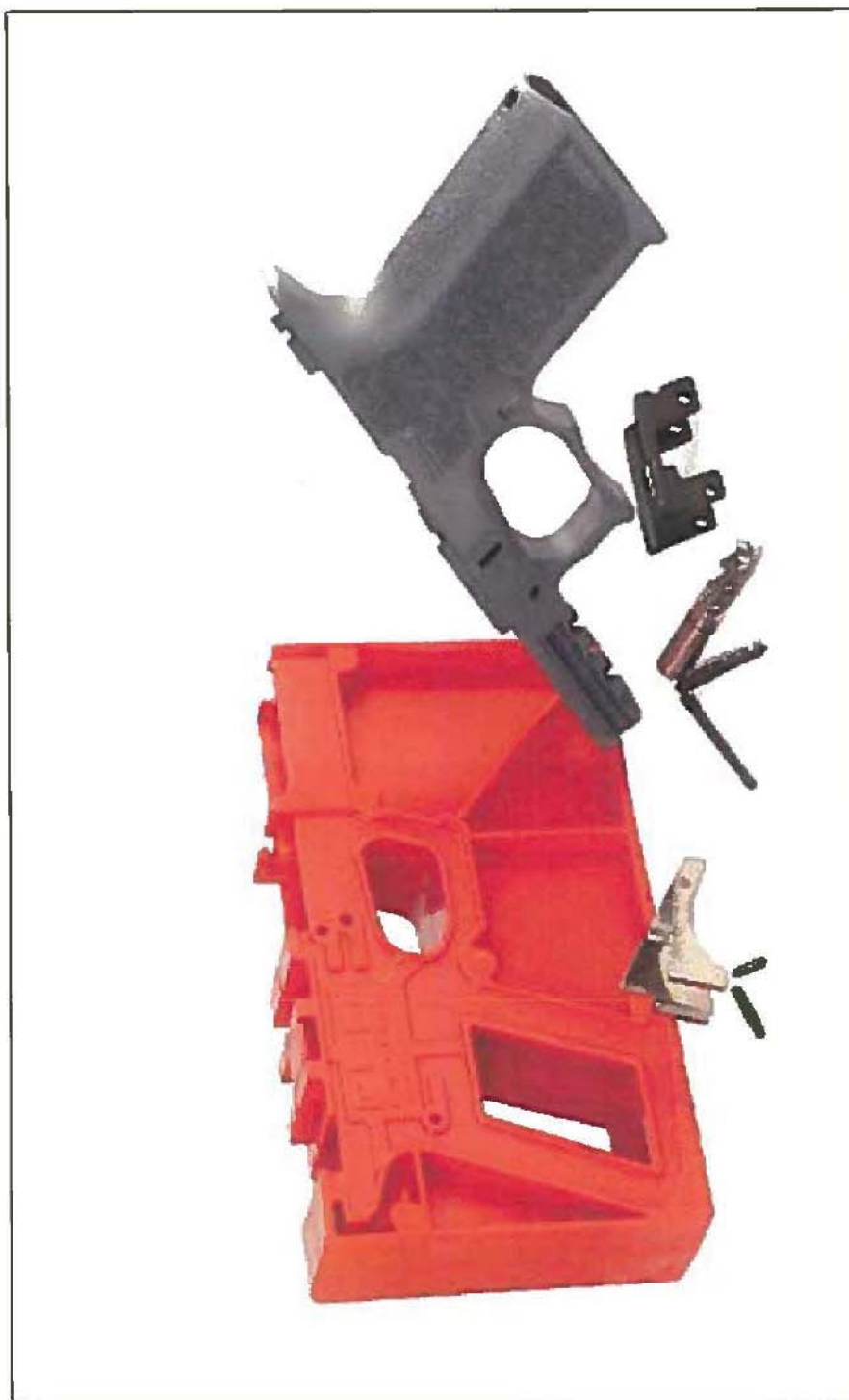


Underside view of the slide assembly

MRR_000055

4 of 4

Image of the PF940C 80% Compact Pistol Frame Kit obtained from www.polymer80.com



MRR_000056